IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION No.6913/1998

IN

SECOND APPEAL (St)No.23414/98

Smt.Tarabai Balwant Jadhav.
and Ors. .. ..Applicants/
Appellants.

Vs.

Smt.Anusaya Balwant Wagh
and anoter. .. ..Respondents.

S.M. Gorwadkar for the Applicants.

Shravani Shailendra h/f Prasad S. Dani,
for Respondent Nos. 2 and 3.

CORAM: S.B.DESHMUKH,J.

DATED: 22ND AUGUST,2006.

P.C.:-

1] Heard the learned Counsel for the respective parties.

2] The Applicants are seeking condonation of delay of about 306 days for filing Second Appeal in this Court. The ground raised in para no.3 of the Civil Application that, the Applicants are residing in remote place, in

Nashik District. Financial difficulties, is another cause referred to in para no.3 of the Application. Applicant Nos. 4 to 6 are minors, the Applicant no.1 is uneducated. On these grounds delay of about 306 days, occurred in filing Second Appeal is sought to be condoned.

3] There is no reply filed on behalf of the Respondent no.2 and 3. Respondent No. 1 and 4 are shown to be dead. The learned Counsel for the Applicants, submits, that they died during the pendency of First Appeal. Having heard the learned Counsel for the parties, in my view, it is not a case of negligence, inaction or mala-fide on the part of the Applicants. Delay is sufficiently explained and bona-fide.

4] In this view of the matter, delay of 306 days, caused in filing Second Appeal in this Court is condoned.

5] Civil Application is accordingly allowed and disposed of.

6] Second Appeal (St) No. 23414 of 1998 be listed for admission after two weeks.

[S.B.DESHMUKH,J.]